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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,388	05/15/2006	Masahiro Suzuki	290489US2PCT	6574

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2456

NOTIFICATION DATE	DELIVERY MODE
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06/24/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,388	<b>Applicant(s)</b> SUZUKI ET AL.	
	<b>Examiner</b> KEVIN BATES	<b>Art Unit</b> 2456	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-15-06, 8-4-06, 10-11-07, 7-17-08</u> .                      | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is in response to a communication made on May 15, 2006.

The Certified Foreign Priority Documents filed May 15, 2006 have been received.

The Information Disclosure Statements received May 15, 2006, August 4, 2006, October 11, 2007, and July 17, 2008 have been considered.

Claims 1 – 63 are currently pending in this application.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 43-63 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

**Claim 43** is directed toward a computer-readable storage medium which stores a program. The specification defines computer-readable storage medium in an opened manner. See Specification pg 115, lines 1 - 6. The Office has interpreted storage medium which are openly defined to include transitory and non-transitory embodiments of computer readable storage medium. Computer software stored on transitory mediums are not included in one of the four statutory class, as result the claim fails to comply with §101.

**Claims 44-63** are rejected under the same rationale.

### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11, 13-35, 37-53, and 55-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai (20040021890) in view of Haraguchi (7102777).**

**Regarding claims 1, 29, and 43,** Hirai teaches an electronic apparatus for executing an operation using an application, comprising:

communicating means for communicating with an external apparatus via a communication line (¶75); and

controlling means for executing an operation using an application by communicating with the external apparatus by the communicating means (¶77).

Hirai teaches a plurality of applications running on the electronic apparatus, but does not explicitly indicate that those applications can be within the external apparatus.

Haraguchi teaches an electronic apparatus that applications or services available to that apparatus can be running within the electronic apparatus or alternatively running on a separate server in the network (Col. 5, lines 16 - 21; Col. 3, lines 18 - 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made was to allow the electronic apparatus in Hirai to interface with service providers to access the external services or applications running on those service provides which would additional functionality to be added to the multipurpose peripheral without having to individually replace or update each MFP.

**Regarding claims 2, 30, and 44**, Hirai teaches the electronic apparatus as claimed in claims 1, 29, and 43.

Hirai does not explicitly indicate device start notification sending means for sending a start notification of the electronic apparatus to the external apparatus by the communicating means; and application information registering means for registering information related to a usable application that is added to an application usability notification, when the application usability notification from the external application is received by the communicating means in response to the start notification sent by the device start notification sending means.

Haraguchi teaches device start notification sending means for sending a start notification of the electronic apparatus to the external apparatus by the communicating means; and application information registering means for registering information related to a usable application that is added to an application usability notification, when the application usability notification from the external application is received by the communicating means in response to the start notification sent by the device start notification sending means (Fig 3, Col. 3, lines 51 – 56).

**Regarding claims 3, 30, and 45**, Hirai in combination with Haraguchi teaches the electronic apparatus as claimed in claims 2, 30, and 44, wherein the device start notification sending means sends the start notification to the external apparatus when a power of the electronic apparatus is turned ON (Haraguchi, Fig 3, Col. 3, lines 51 – 56, where the electronic apparatus can only send messages if it is currently powered on and operating).

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**Regarding claims 4, 32, and 46**, Harai teaches the electronic apparatus as claimed in claims 1, 29, and 43, wherein the controlling means executes the operation when an operation execution request that requests execution of the operation using the application (§1126).

Hirai teaches a plurality of applications running on the electronic apparatus, but does not explicitly indicate that those applications can be within the external apparatus.

Haraguchi teaches an electronic apparatus that applications or services available to that apparatus can be running within the electronic apparatus or alternatively running on a separate server in the network (Col. 5, lines 16 - 21; Col. 3, lines 18 - 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made was to allow the electronic apparatus in Hirai to interface with service providers to access the external services or applications running on those service provides which would additional functionality to be added to the multipurpose peripheral without having to individually replace or update each MFP.

**Regarding claims 5, 33, and 47**, Hirai teaches the electronic apparatus as claimed in claims 4, 32, and 46, further comprising: authenticating means for carrying out an authentication process to confirm validity of the operation execution request when the communicating means receives the operation execution request from the external apparatus; and operation execution permitting means for permitting execution of the operation if the authenticating means confirms that the operation execution request is valid (§91-92).

**Regarding claims 6 and 48**, Hirai teaches the electronic apparatus as claimed in claims 5 and 47, wherein the authenticating means carries out the authentication process using authentication information that is added to the operation execution request (§§91-94).

**Regarding claims 7 and 49**, Hirai teaches the electronic apparatus as claimed in claims 6 and 58, wherein: the authentication information is identification information unique to the application; and the authenticating means confirms that the operation execution request is valid if the identification information matches identification information that is registered in advance (§§92).

**Regarding claims 8 and 50**, Hirai teaches the electronic apparatus as claimed in claims 6 and 58, wherein: the authentication information is type information indicating a type of the application; and the authenticating means confirms that the operation execution request is valid if the type information matches type information that is registered in advance (§§90-95).

**Regarding claims 9 and 51**, Hirai teaches the electronic apparatus as claimed in claims 6 and 58, wherein: the authentication information includes identification information unique to the application and type information indicating a type of the application; and the authenticating means confirms that the operation execution request is valid if the identification information matches identification information that is registered in advance and the type information matches type information that is registered in advance (§§90-95).

**Regarding claims 10, 34, and 52,** Hirai teaches the electronic apparatus as claimed in claims 4, 32, and 46, further comprising: identification information setting means for setting identification information unique to the application with respect to which an access to the electronic apparatus is permitted or rejected; and operation execution permitting or rejecting means for permitting or rejecting the execution of the operation requested by the operation execution request, if identification information unique to the application and added to the operation execution request matches the identification information set by the identification information setting means (§§90-95).

**Regarding claims 11, 35, and 53,** Hirai teaches the electronic apparatus as claimed in claim 4, further comprising: line type judging means for judging a type of communication line via which the operation execution request is received by the communicating means; and operation execution permitting or rejecting means for permitting or rejecting the execution of the operation requested by the operation execution request depending on a judgment result of the line type judging means (§§135-137).

**Regarding claims 13, 37, and 55,** Hirai teaches the electronic apparatus as claimed in claims 1, 29, and 43.

Hirai does not explicitly indicate device usability notification sending means for sending to the external apparatus a usability notification indicating a usability of the electronic apparatus when the communicating means receives a connection request from the external apparatus, wherein the controlling means executes the operation when an operation execution request that requests execution of the operation using the



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application within the external apparatus is received from the external apparatus by the communicating means in response to the usability notification sent to the external apparatus by the device usability notification sending means.

Haraguchi teaches an electronic apparatus including device usability notification sending means for sending to the external apparatus a usability notification indicating a usability of the electronic apparatus when the communicating means receives a connection request from the external apparatus, wherein the controlling means executes the operation when an operation execution request that requests execution of the operation using the application within the external apparatus is received from the external apparatus by the communicating means in response to the usability notification sent to the external apparatus by the device usability notification sending means (Fig 3, Col. 3, lines 51 – 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made was to allow the electronic apparatus in Hirai to interface with service providers to access the external services or applications running on those service provides which would additional functionality to be added to the multipurpose peripheral without having to individually replace or update each MFP.

**Regarding claims 14, 38, and 56**, Harai teaches the electronic apparatus as claimed in claims 13, 37, and 55, further comprising: application information registering means for registering information related to a usable application that is added to the connection request, when the connection request from the external application is received by the communicating means (¶91).

**Regarding claims 15, 39, and 57**, Harai teaches the electronic apparatus as claimed in claim 13, further comprising: authenticating means for carrying out an authentication process to confirm validity of the connection request when the communicating means receives the connection request from the external apparatus; and transmission permitting means for permitting sending of the usability notification if the authenticating means confirms that the connection request is valid (§§90-95).

**Regarding claims 16 and 58**, Harai teaches the electronic apparatus as claimed in claims 15 and 57, wherein the authenticating means carries out the authentication process using authentication information that is added to the connection request (§§90-95).

**Regarding claims 17 and 59**, Harai teaches the electronic apparatus as claimed in claims 16 and 58, wherein: the authentication information is identification information unique to the application; and the authenticating means confirms that the connection request is valid if the identification information matches identification information that is registered in advance (§§90-95).

**Regarding claims 18, 40, and 60**, Harai in combination with Haraguchi teaches the electronic apparatus as claimed in claims 13, 34, and 55, wherein the communicating means carries out a communication sequence for confirming validity of a connection request according to a protocol that is predetermined between the electronic apparatus and the external apparatus when the connection request is received from the external apparatus, and further comprising: authenticating means for carrying out an authentication process to confirm validity of the connection request from

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the communication sequence carried out by the communicating means; and transmission permitting means for permitting the device usability notification sending means to send the device usability notification if the authenticating means confirms that the connection request is valid (Harai, ¶¶90-95).

**Regarding claims 19 and 61**, Harai in combination with Haraguchi teaches the electronic apparatus as claimed in claims 18 and 60, wherein the authenticating means confirms that the connection request is valid if the communication sequence is in accordance with the protocol (Haraguchi, Col. 4, lines 3 - 15).

**Regarding claims 20, 41 and 62**, Harai teaches the electronic apparatus as claimed in claims 13, 34, and 55, further comprising: first authenticating means for carrying out a first authentication process to confirm validity of a connection request when the communicating means receives the connection request from the external apparatus; transmission permitting means for permitting the device usability notification sending means to send the device usability notification if the first authenticating means confirms that the connection request is valid; second authenticating means for carrying out a second authentication process to confirm validity of the operation execution request when the communicating means receives the operation execution request from the external apparatus in response to the device usability notification sent by the device usability notification sending means; and operation execution permitting means for permitting execution of the operation if the second authenticating means confirms that the operation execution request is valid (¶¶90-95, wherein the second authentication is

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the use restriction imposed on the user and application before allowing any operations by the applications to be performed).

**Regarding claims 21, 42, and 63**, Harai in combination with Haraguchi teaches the electronic apparatus as claimed in claims 13, 34, and 55, wherein the communicating means carries out a communication sequence for confirming validity of a connection request according to a protocol that is predetermined between the electronic apparatus and the external apparatus when the connection request is received from the external apparatus, and further comprising: first authenticating means for carrying out a first authentication process to confirm validity of the connection request from the communication sequence carried out by the communicating means (Harai ¶¶90-91, Haraguchi, Col. 4, lines 3 - 15); and transmission permitting means for permitting the device usability notification sending means to send the device usability notification if the first authenticating means confirms that the connection request is valid; second authenticating means for carrying out a second authentication process to confirm validity of the operation execution request when the communicating means receives the operation execution request from the external apparatus in response to the device usability notification sent by the device usability notification sending means; and operation execution permitting means for permitting execution of the operation if the second authenticating means confirms that the operation execution request is valid (¶¶90-95, wherein the second authentication is the use restriction imposed on the user and application before allowing any operations by the applications to be performed).

**Regarding claims 22-24, and 27,** Hirai in combination with Haraguchi teaches an electronic apparatus system in which the electronic apparatus of claims 2, 4, 13, and 14 and the external apparatus are communicably coupled via a communication line, said external apparatus comprising: application storing means; an other communicating means for communicating with the electronic apparatus via the communication line; and application usability notification sending means for adding information that is related to the usable application and is stored in the application storing means to the application usability notification before sending the application usability notification to the electronic apparatus by the other communicating means, when the other communicating means receives the start notification from the electronic apparatus (Col. 3, line 46 – Col. 4, line 15).

**Regarding claim 25,** Harai in combination with Haraguchi teaches the electronic apparatus system as claimed in claim 24, wherein the connection request sending means sends the connection request to the electronic apparatus by the other communicating means when starting the application (Haraguchi, Col. 4, lines 3 – 15).

**Regarding claim 26,** Harai in combination with Haraguchi teaches the electronic apparatus system as claimed in claim 24, wherein said external apparatus further comprises operation means, and the connection request sending means sends the connection request to the electronic apparatus by the other communicating means in response to an operation by the operation means (Haraguchi, Col. 4, lines 3 – 15).

**Regarding claim 28,** Harai in combination with Haraguchi teaches an electronic apparatus system in which the electronic apparatus of claim 13 and the external

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apparatus are communicatably coupled via a communication line, said external apparatus comprising: operation means; application storing means; an other communicating means for communicating with the electronic apparatus via the communication line; connection request sending means for sending a connection request to the electronic apparatus by the other communicating means; function inquiring means for inquiring an existence of a function specified by the operation means to the electronic apparatus by the other communicating means, when the usability notification is received from usable electronic apparatuses in response to the connection request sent by the connection request sending means; device selecting means for selecting an electronic apparatus capable of realizing the specified function from the usable electronic apparatuses, when an inquiry result is received in response to the inquiring made by the function inquiring means; and operation execution request sending means for sending the operation execution request that requests execution of the operation using a usable application stored in the application storing means, by the other communicating means, to the electronic apparatus selected by the device selecting means (Harai, Col. 3, line 46 – Col. 4, line 15, Haraguchi, Col. 5, lines 53 – Col. 6, line 12).

**Claims 12, 36, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harai, Haraguchi, and further in view of Parry (7542160).**

**Regarding claims 12, 36, and 54,** Harai teaches the electronic apparatus as claimed in claim 4, further comprising: execution request judging means for judging

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whether the operation execution request is a normal request or an abnormal request (¶90-92).

Harai does not explicitly indicate abnormality counting means for counting a number of times the abnormal request is judged by the execution request judging means; and operation execution rejecting means for rejecting the execution of the operation requested by the operation execution request if a counted value counted by the abnormality counting means exceeds a predetermined value.

Parry teaches a system for validating access to a electronic apparatus including abnormality counting means for counting a number of times the abnormal request is judged by the execution request judging means; and operation execution rejecting means for rejecting the execution of the operation requested by the operation execution request if a counted value counted by the abnormality counting means exceeds a predetermined value (Col. 7, lines 36 – 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Parry's teaching of a predetermined number of allowed authentication attempts in Harai's system to prevent an unauthorized user to attempt to guess a password through brute force method of password attempts.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on M-F 8 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN BATES/

Primary Examiner, Art Unit 2456